

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

AUG 04 2006

JOHN F. CORCORAN, CLERK
BY:
DEPUTY CLERK
[Signature]

JULIAN D. JOHNSON,

Plaintiff,

v.

JO ANNE B. BARNHART, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CIVIL ACTION NO. 3:05-CV-00046

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the parties' cross-motions for summary judgment.

This case was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, to make proposed findings of fact and a recommendation.

The Magistrate filed his Report on May 30, 2006, recommending that this Court enter an Order denying the Commissioner's motion for summary judgment, granting Plaintiff Julian Johnson's motion for summary judgment, reversing the Commissioner's final decision, entering judgment for Johnson, and remitting the case to the Commissioner solely to calculate and pay proper benefits. The Commissioner timely objected to the Magistrate's Report.

For the reasons stated in the accompanying Memorandum Opinion, the Court DECLINES TO ADOPT the Magistrate's Report, DENIES Plaintiff's motion for summary judgment, and GRANTS the Commissioner's motion for summary judgment. The Commissioner's decision denying benefits hereby is AFFIRMED.

This case hereby is DISMISSED and shall be STRICKEN from the docket of the Court.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED:

Jeanne M. Moore
U.S. District Judge
August 4, 2006
Date